

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

DEMETRIO PARRA-ELIZALDE,	)	
	)	
Movant,	)	
	)	
vs.	)	Case No. 22-CV-00420-DGK
	)	
UNITED STATES OF AMERICA	)	
	)	
Respondent.	)	

**AFFIDAVIT**

1. My name is Kurt Marquart. I am an attorney practicing federal criminal defense in the United States District Court for the Western District of Missouri. I am of sound mind and lawful age to testify.

2. I was appointed by the Court under the Criminal Justice Act to represent Demetrio Parra-Elizalde in case number 18-CR-00138-DGK.

3. I am supplying this Affidavit in compliance with the Court's order entered in Case 4:22-CV-00420-DGK.

A. In Response to Petitioner's "Declaration ", Respondent states:

Paragraph #7.

I had documents I sent to Movant translated by Ms. R. Garrigas

Paragraph #11.

I did tell Movant I would ask for credit for time served and did so in the Sentencing Memorandum.

It was explained on a number of occasions to Movant that sentencing is within the discretion of the Judge and any suggestions we, or the government, make are not binding on the Court.

The Judge decided the Placer County conviction was not part of this

conspiracy and that, against his normal procedure, decided to run Movant's sentence concurrent any way. (Sent. Trans. page 13, lines 12-16.)

I made no promise to Movant as to the length of any term of incarceration.

Paragraphs 16 & 17.

Movant stated after the hearing that he did not want to appeal.

/S/ Kurt Marquart

Kurt Marquart #39222